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# County of San Diego

## DEPARTMENT OF PLANNING AND LAND USE

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## **BOARD MINUTES** **HISTORIC SITE BOARD**

**November 3, 2005 – Special Meeting**

### **ADMINISTRATIVE ITEMS**

#### **ITEM 1 – ADMINISTRATIVE**

##### **A. Board Administrative Matters and General Information**

- **Call to Order**  
4:07 PM
- **Members Present:**  
Paul Johnson  
Jim Royle  
Carmen Lucas  
Margie Warner  
Eldonna Lay
- **Members Absent:**  
Vicki Estrada
- **Other General Information**  
None
- **Staff Present:**  
Glenn Russell  
Gail Wright  
Donna Beddow

##### **B. Conflict of Interest Declaration - None**

### **ACTION ITEMS**

#### **—ITEM 2 – Rescission of October 20, 2005 Letter of Support for the Nomination of Gregory Mountain to the National Register of Historic Places**

**Location:** Northern San Diego County, south of State Route 76 and the San Luis Rey River

**Legislative District:** 5, Supervisor Horn

**Description:** Gregory Mountain is considered a Religious Ceremonial Site by the Native Americans of San Diego County. In a letter dated September 2, 2005, the State Historic

Preservation Officer, Milford Wayne Donaldson, requested that the County make a recommendation to the State Historical Resources Commission on the nomination.

~~Because of a procedural error, the Letter of Support for the nomination of Gregory Mountain to the National Register of Historic Places was incorrectly prepared and sent to the Office of Historic Preservation must be rescinded and the subject reconsidered at a later date if possible.~~ On October 17, 2005, the County of San Diego Historic Site Board (HSB) considered the request and took action to send a letter of support for the nomination. The letter, prepared by staff, dated October 20, 2005, was sent by fax to the Office of Historic Preservation.

Subsequently, it was brought to the attention of the HSB staff that proper procedures regarding the HSB's action had not been followed. Therefore, this special meeting of the HSB was scheduled. All members of the HSB were notified, and public notice of the meeting was posted 24 hours in advance as required. In addition, HSB staff contacted the Office of Historic Preservation (OHP), representatives of Gregory Canyon Landfill (GCL) and the Pala Tribe to inform them of the special meeting so that they would be aware of the opportunity to give testimony on the issue.

**Staff Recommendation:** Staff recommends that the Board action of October 17, 2005 be rescinded and that the October 20, 2005 letter be rescinded and notice of this rescission be sent immediately by fax to representatives of the Office of Historic Preservation representatives meeting in Fresno on November 4, 2005.

**Meeting notes:** Jim Royle noted that he did not attend the October 17, 2005 meeting.

**Board Action:** Paul Johnson moved to recommend rescission of the Board action of October 17, 2005 supporting the nomination of Gregory Mountain to the National Register of Historic Places (NRHP) and that the October 20, 2005 letter of support for Gregory Mountain nomination be rescinded. In addition, direct staff to prepare a letter to this effect to be signed by the HSB Chairman and the letter faxed to the OHP representatives in Fresno following this meeting.

2<sup>nd</sup> by Carmen Lucas

Motion carried: 5-0-0

### **ITEM 3 – New Board Action on the Nomination of Gregory Mountain to the National Register of Historic Places:**

**Location:** Northern San Diego County, south of State Route 76 and the San Luis Rey River

**Legislative District:** 5, Supervisor Horn

**Description:** Gregory Mountain is a traditional cultural place that is extremely important to the Native American Luiseño and others in northern San Diego County and is to be considered for nomination to the National Register of Historic Places by the State Historic Preservation Commission tomorrow, November 4, 2005.

**Staff Recommendation:** Staff recommends that the Historic Site Board authorize that a letter be sent to the Office of Historic Preservation recommending that the hearing for this nomination by the State Historic Preservation Commission be continued for three

months; additionally this recommendation to be sent immediately by fax to representatives of the Office of Historic Preservation meeting in Fresno.

**Meeting notes:** Nine speaker slips were submitted; the speaking order was chosen at random by Chairman Jim Royle; a brief summary of comment are as follows:

Wes Peltzer representing Gregory Canyon Landfill Ltd (GCL). Spoke first:

- GCL is not opposed to a Gregory Mountain nomination but would like to have the nomination continued to a later date because of concerns about the boundary of Gregory Mountain proposed in the nomination. They want to work with Pala and OHP to develop a mutually acceptable nomination. A map provided by GCL shows that 122.7 acres of the Gregory Mountain nomination area of 1,481.27 acres falls within the landfill area.
- Gregory Canyon Landfill site approved for solid waste by the voters in 1994.
- GCL proposes to fund an access pathway to the top of the Mountain for ceremonial usage. Legal access to mountain has not been available for a long time.
- No evidence provided in the nomination of *Taakwiic* presence or traditional uses within the 122.7-acre landfill footprint.
- SDG&E has concerns that the extended boundary will inhibit their access to high power transmission line tower pads (the lines run the entire western length of Gregory Mountain) that are located within the 122.7-acre area. A letter from SDG&E to was sent OHP expressing concern about how the nomination would affect their ability to access and service the high voltage transmission equipment.

Michael Baksh, Ph.D., Principal Anthropologist Tierra Environmental Services; prepared the National Register Nomination application:

- Gregory Mountain was documented as a sacred mountain in 1933; recorded first by John P. Harrington
- Board decision should be independent of the landfill; the decision should be that, as a sacred mountain, it should be listed on the National Register.
- The nomination would not preclude SDG&E from continuing with routine maintenance of its facilities.

Mr. Keith Battle: Special Assistant, Pala Band of Mission Indians: Handed out to the board members copies of letters of support for the nomination of Gregory Mountain from: Santa Ysabel Band of Diegueño Indians; Augustine Band of Cahuilla Indians; Ramona Band of Cahuilla Indians; Raymond Haynes, State Assembly Member, 66<sup>th</sup> District; Denise M. Ducheny, Senator 40<sup>th</sup> Senate District; Mimi Walters, State Assembly Republican Whip, 73<sup>rd</sup> District; George A. Plescia, State Assembly Republican Leader 75<sup>th</sup> District; Mark Wyland, State Assembly Member, 74<sup>th</sup> District; Pam Slater-Price, Chairwoman, 3<sup>rd</sup> District, San Diego County Board of Supervisors; Jim Wood, Mayor, City of Oceanside; and Ruth Harber, Secretary-Treasurer, River Watch.

Shasta Gaughen, Cultural Anthropologist and Assistant Director, Cultural Resources, Cupa Cultural Center at Pala; comments from an anthropological perspective:

- Minimal documentation about the use of Gregory Mountain for religious ceremonies is available. A sacred spot does not have to be used for documented religious ceremonies in order to be considered sacred. Sometimes sacred sites are identified as places to avoid, out of respect.
- For centuries Native Americans have been forced to define themselves, and sacred spots/sites in terms of the euro American culture. Often Native Americans are reluctant to identify sacred sites for fear that these sites will not be respected.
- Native American Heritage Commission (NAHC) has had Gregory Mountain listed as a sacred site since 1996 from base to top.
- Requests HSB support of Gregory Mountain nomination

Guss Pennell, City of Oceanside Water Utilities, on behalf of Barry Martin, Water Utilities Director: Recommends sending the letter again in support of the nomination.

Jonathan Hardy, representing State Senator Denise Ducheny, who co-authored Senate Bill SB-18 the Sacred Sites Bill. Senator Ducheny supports this nomination and urges the HSB to consider a recommendation to send a letter of support.

Lenore Volturmo, Environmental Director for Pala Band of Mission Indians:

- Pala has been working with SDG&E to ensure that they have adequate access to the power pads. SDG&E contacted Pala prior to their letter to OHP; they are concerned with their right-of-way and would like a one-time permit, not a project-by-project permit.
- The listing would require that people responsible for projects in the area consult with the tribes
- Gregory Canyon Landfill (GCL) never consulted with Pala during the years they were developing the landfill project. No consultation process. Nomination will not stop landfill project.

Mel Vernon, San Luis Rey Band of Mission Indians, expressed concerns about the wisdom of placing a landfill, not only near a sacred mountain, but near water, the San Luis Rey River.

- Water is life, and we are poisoning the water on our planet
- Putting a landfill near the San Luis Rey river in the long term will poison the water
- People with the money from around the world cannot tell local people what is sacred and what is not.

Ruth Calac, Rincon Band of Mission Indians: Gregory Mountain is sacred to the whole Luiseño nation. How do you define which part of your church is sacred, and the part people can put a dump in, or that people can desecrate? If you can tell me that with your religions and your belief systems, then we could probably figure out how to tell that to our people. The mountain is very sacred to us, and we would appreciate your support.

Wes Peltzer: Disagreed that GCL did not consult, or offer to consult, with Pala. There were numerous attempts made, through the LEA who was the lead agency here, to consult with the tribes and they repeatedly refused to meet with any of us to discuss any of the mitigation measures or any way to resolve this and this is documented in the Certified EIR approved by the County. Additionally, the SDG&E letter to SHPO expresses serious concerns with the nomination area including their right-of-way. The nomination would impact the way they do business in that area.

Following public speakers, the Board members staff had a chance to discuss the issue. Paul Johnson asked about the Medicine Rock archaeology site; (answer by Dr. Baksh) Medicine Rock is within the footprint of the proposed listing of Gregory Mountain sacred site; Medicine Rock itself is fenced off and locked, accessible to the Indians by key. A question was asked if Medicine Rock was within the landfill footprint or SDG&E right-of-way; it is not, according to Dr. Baksh and Dr. Russell. It is actually located on mining property, more than 2000 feet from the northern boundary of the landfill footprint (Mr. Peltzer). Margie Warner asked if the Mountain was accessible or not. Ms. Volturmo stated that the Mountain was accessible from Medicine Rock. Jim Royle: This issue has nothing to do with the Landfill; it is whether or not the nomination is valid and supportable. Paul Johnson feels that there are unresolved issues and that additional information is needed. Carmen Lucas: Does not agree with Mr. Johnson; sacredness is sacredness no matter who you are. When you have a sacred item, you do not cut it up like a pie. Since (the HSB) initially wrote a letter in support of the nomination, and since it was already discussed, Carmen felt that the Board has an obligation to approve the nomination. There are so

few places of sacredness left in the County of San Diego; there is an obligation to preserve them as sacred sites.

Chairman Jim Royle questioned the requirements in the cover letter from OHP that stated: "Your report should be presented to the Chief Elected Local Official for transmission to the State Historic Preservation Officer". Dr. Russell, in consultation with County Council Mark Mead, reviewed the letter; the interpretation is that the HSB could recommend support and send a letter to OHP; then, a report should be prepared as to whether or not the nomination meets the criteria for nomination on the NRHP, and sent that report to the Board of Supervisors for transmission to OHP.

Jim Royle: Project consideration under CEQA; a project doesn't have to be on the local or national register to be considered significant. Dr. Russell concurred; whether or not a property is listed on any register, its historical significance must be considered during any action, which is subject to CEQA. Gregory Mountain is a historical resource on its own merit, whether or not it is listed on any register. A question was asked as to what, if any, impact the approval of the nomination would have on the Gregory Canyon Landfill project. Dr. Russell: the listing on any register does not provide any specific protections to a site as an open space easement would; the listing is a recognition of the significance of the site.

**Board Action:** Motion by Paul Johnson to recommends that the Historic Site Board delay action on the Gregory Mountain nomination support until a later meeting, and authorize that a letter be sent to the Office of Historic Preservation recommending that the hearing for this nomination by the State Historic Preservation Commission be continued for three months; additionally this recommendation to be sent immediately by fax to representatives of the Office of Historic Preservation meeting in Fresno.

2<sup>nd</sup> by Margie Warner  
Motion defeated 2-3-0

**Board Action:** Motion by Carmen Lucas that the Board direct staff to prepare another letter to OHP with the same content as the original letter of support sent on October 20, 2005 for the Gregory Mountain nomination to the NRHP. The letter is to be faxed to the Office of Historic Preservation representative in Fresno directly following this meeting.

2<sup>nd</sup> by Jim Royle  
Motion carried: 3-1-1

#### **ITEM 4 – ADJOURNMENT**

6:00 P.M.

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#### **APPROVAL OF BOARD MINUTES:**

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**Chairman, Jim Royle**

**November 21, 2005**

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**Vice-Chairman, Paul Johnson**

**November 21, 2005**

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